

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 1, Class A.1 (g) Condition A.4**

DELEGATED DECISION FOR DISCHARGE OF CONDITION A.4 - NOTIFICATION OF A PROPOSED ENLARGEMENT TO DWELLINGHOUSE

Reference no.	2024/HH/91633/E
Site Address	2, Horner Avenue, Carlinghow, Batley, WF17 8DP
Description	The proposal is for erection of single storey rear extension. The extension projects 5m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 4m, the height of the eaves of the extension is 3m
Recommending Officer	Molly Storer

DECISION – PRIOR APPROVAL GRANTED

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

Kevin Walton

AUTHORISED OFFICER

Date: 15-Jul-2024

OFFICER RECOMMENDATION

DISCHARGE OF CONDITION A.4, SCHEDULE 2, PART 1, CLASS A GENERAL PERMITTED DEVELOPMENT ORDER

1. Procedural Matters

Prior notifications for the erection of single storey rear extensions to dwellings are considered against the requirements as set out by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A, condition A.4.

Proposals pursuant to Class A are permitted subject to limitations set out in paragraph A.1 and in the case of Class A.1 (g) subject to the discharge of condition A.4. This proposal relates to development pursuant to Class A where condition A.4 is engaged and for the purposes of this assessment only the limitations for Class A.1 (g) and requirements of condition A.4 are considered. Other limitations within Class A are not considered other than where, in the opinion of the Local Planning Authority, the development does not comply with the limitations within Class A of the Order. Ultimately the responsibility to ensure the development is carried out in full accordance with any planning permission rests with the applicant or property owner/occupier.

Limitations for Class A.1(g) Development

Is the site within a Conservation Area, Article 4 or SSI area?	No
Is any part of the proposal clearly outside the curtilage of the dwellinghouse?	No
If the house is detached and from the information submitted, does the extension extend more than 8 metres from the rear of the original dwellinghouse?	N/A
If the house is not detached and from the information submitted, does the extension extend more than 6 metres from the rear of the original dwellinghouse?	The proposal is semi-detached by the extension has a projection of 5 metres.
Does the proposal exceed 4 metres in height?	No

Have permitted development rights been removed from the property?	No
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Condition A.4

As part of the notification procedure, the Local Planning Authority notify owners or occupiers of adjacent premises of the proposed development by serving notice and allowing 21 days for objections to be made. The Local Authority shall take into account any representations made as a result of the notice given.

Consultation start date : 10 June 2024

Consultation end date : 01 July 2024

1. Objections

One representation was received in response to the publication of this application.

The received representation was not in support of development. Within the objection for development the following material planning considerations were raised:

- Size and scale of the dwelling will impact on natural light and outlook from conservatory as well as concerns with regards to privacy.

Assessment - The requirements of the permitted development legislation with respect to this application for prior notification of a proposed larger home extension states that

‘If any adjoining neighbour raises an objection within the 21-day period, the local authority will take this into account and make a decision whether the impact on the amenity of all adjoining neighbours is acceptable’.

One of the 12 core principles of the National Planning Policy Framework require that Planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

Site description

2 Horner Avenue is a two-storey, semi-detached dwelling located in Carlinghow, Batley. There is a garden to the front and rear of the property. It is on a residential street with other properties of a similar age, style and design.

Description of proposal

The proposal is for erection of a single storey rear extension. The extension projects 5m beyond the rear wall of the original dwellinghouse with a mono-pitch roof. The maximum height of the extension is 4m, the maximum height of the eaves of the extension is 3m.

Assessment

As an objection was received, an analysis of the site has been carried out to assess the impact on the amenity of all adjoining neighbouring properties.

Impact on 133 Carlinghow Lane

133 Carlinghow Lane is a two-storey semi-detached dwelling situated to the northeast of the application site. The proposed development would be single storey and would project 5.00m from the rear elevation and at the narrowest point would be situated 0.6m from the boundary. No. 133 has a conservatory situated 2.1m from the boundary at the closest point. However, due to the orientation of the houses No.133 is situated significantly forward than the applicant property meaning that the extension would be situated 4.8m from this conservatory.

The occupants at No.133 have stated there to be material impacts in terms of overshadowing and overbearing impacting upon their amenity. However, when considering SPD paragraph 5.6, it states that rear single storey extensions should not exceed 4 metres in height and in this instance the extension is no more than 4 metres in height. Although the proposed extension is close to the boundary at the narrowest point and projects further than the recommended 3m for semidetached houses, there is an existing 1.4m fence indicated on the plans along the boundary and boundary fences can be 2 metres in height in any event.

In addition, the agent provided further plans to show the eave height and proposed roof form. This showed a lean-to roof type and a maximum eave height on the bordering side to be 3 metres in order to reduce the impact on the neighbouring garden. Furthermore, there is only a single door in the elevation facing onto this property whereby the majority would be screened by the existing boundary fence.

In terms of loss of light, paragraph 4.18 also suggests the orientation of the extension in relation to the sun's path is a consideration that should be considered. In the case of this development, the extension is south west of the neighbouring property which means the extension does not impact upon direct sunlight on the rear of 133 Carlinghow Lane at any time during daylight hours in summer months and only marginally in evening hours during the winter months. Moreover and by reason of the separation distance between the

proposed extension and the rear of, 133 Carlinghow Lane, it is considered the height of the extension will not significantly reduce the levels of ambient light enjoyed by 133 Carlinghow Lane. Therefore, loss of light is not considered to be adequate grounds for refusal.

The proposed floor plans and elevations indicate the wall facing the amenity space of 133 Carlinghow Lane contains a single door opening serving a hallway. If the door consists of glazed panels there may be some opportunity for views into the garden and rear windows of no. 133. However, the door opening serves a hall which in itself is unlikely to cause significant overlooking issues although in light of the close proximity to the boundary the door opening could give rise to overlooking from the kitchen area in the event clear glass is used. Consequently, to reduce the opportunity of overlooking, a condition requiring obscure glass in the door is considered reasonable.

Impact on 4 Horner Avenue

Due to the existing 1.8m timber fence along the boundary and the inclusion of no glazing along this elevation it is considered that this neighbour would not be detrimentally impacted upon as a result of overlooking. The orientation of the proposed extension to the north east is also considered not to result in overshadowing or loss of ambient light as the rear of 4 Horner Avenue will still enjoy full sunlight other than early hours during summer months. The proposal is therefore considered to have an acceptable impact upon the amenity of the occupiers of this dwelling.

Impact on 131 Carlinghow Lane

This property is considered to be sited, and at a sufficient separation distance such that it would not be detrimentally impacted upon as a result of overlooking, overshadowing or as a result of the overbearing / oppressive impact. The proposal is therefore considered to have an acceptable impact upon the amenity of the occupiers of this dwelling.

Conclusion

It is therefore considered that the proposed development would not cause significant harm to the amenity of the neighbouring property, the proposed extension is therefore considered unacceptable.

2. Recommendation

Approval for the following reason:

Due to boundary fences, limited eaves height and limited glazing within the side elevations it is decided that the development would not be unduly overbearing and oppressive subject to condition requiring obscure glass.

Report Dated:

15/07/2024

Prior approval is subject to the following conditions:-

1. Notwithstanding the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order (with or without modification)), any glazing within the door on the north east elevation shall be obscure glass to the level no less than Pilkington level 5 (or equivalent). The obscure glass shall be retained as such thereafter.

Reason : In the interest of privacy and to accord with Kirklees Local Plan policy LP24 and chapter 12 of the National Planning Policy Framework.

1. Notwithstanding the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order (with or without modification)), no window or door openings, other than the door as approved, shall be made at any time within the north east elevation.

Reason : In the interest of privacy and to accord with Kirklees Local Plan policy LP24 and chapter 12 of the National Planning Policy Framework.

This decision is based on the following details(s):-

Plan Type	Reference	Version	Date Received
Proposed site/block layout	-1	-	10/06/2024
Front and rear elevations	-5	-	09/07/2024
Proposed ground floor plan with fences indicated	-2	-	09/07/2024
Proposed and existing ground, first and roof plans	-3	-	09/07/2024
Side elevations	-4	-	09/07/2024